

BEFORE THE MONTANA HERITAGE PRESERVATION
AND DEVELOPMENT COMMISSION
DEPARTMENT OF COMMERCE
OF THE STATE OF MONTANA

In the matter of the transfer of ARM) NOTICE OF TRANSFER AND
10.125.101, 10.125.102, 10.125.103,) ADOPTION
10.125.104, 10.125.105, 10.125.106,)
and 10.125.107 and the adoption of)
New Rules I through VII pertaining to)
the sale of real and personal property)
by the Montana Heritage)
Preservation and Development)
Commission)

TO: All Concerned Persons

1. On December 20, 2007, the Department of Commerce and the Montana Heritage Preservation and Development Commission published MAR Notice No. 8-112-64 pertaining to the public hearing on the proposed transfer and adoption of the above-stated rules at page 2026 of the 2007 Montana Administrative Register, Issue Number 24.

2. The department and commission have transferred ARM 10.125.101, 10.125.102, 10.125.103, 10.125.104, 10.125.105, 10.125.106, and 10.125.107 as proposed, and have adopted New Rule II (8.112.202), New Rule III (8.112.205), New Rule V (8.112.209), New Rule VI (8.112.210), New Rule VII (8.112.213) as proposed.

3. The department and commission have adopted the following rules as proposed with the following changes from the original proposal, stricken matter interlined, new matter underlined:

NEW RULE I (8.112.201) DEFINITIONS The following definitions shall be used in these rules, unless context clearly indicates otherwise:

(1) and (2) remain as proposed.

(3) "Executive Committee" means the committee appointed by the commission chair, made up of the current commission chair, a recent past chair (if available), ~~the Director of the Montana Department of Commerce or his/her designee, and the current chair of the Commission's Finance and Management Committee~~ and the secretary-treasurer.

(4) through (8) remain as proposed.

REASON: This change is made to accurately reflect the current composition of the commission's Executive Committee.

NEW RULE IV (8.112.206) SALE PROCEDURES – REAL PROPERTY

(1) through (1)(b) remain as proposed.

(c) The Real Property Sales Committee may make real property sale recommendations to the Executive Committee at any meeting properly noticed and with the discussion of sales included on the agenda. All recommendations will include a review of ~~how~~ the extent to which the proposed sale meets the criteria in ~~[NEW RULE II]~~ ARM 8.112.205. The Real Property Sales Committee shall prepare its recommendation to the Executive Committee in writing.

(d) through (3) remain as proposed.

REASON: This change is made to more accurately reflect the fact that the recommendation of proposed real property sales by the Executive Committee will involve a range in the extent to which the proposal meets the criteria in NEW RULE II (8.112.202), not that they simply meet the criteria or not.

4. No comments or testimony were received.

/s/ KELLY A. CASILLAS
KELLY A. CASILLAS
Rule Reviewer

/s/ ANTHONY J. PREITE
ANTHONY J. PREITE
Director
Department of Commerce

Certified to the Secretary of State March 3, 2008.